

S. J. R. No. 7.]

JOINT RESOLUTION.

To Amend Article 8 of the Constitution of Texas, so as to permit the formation of irrigation districts in West Texas.

Be it resolved by the Legislature of the State of Texas: That Article 8 of the Constitution of the State of Texas be amended by adding thereto Section 20, as follows:

Section 20. In addition to the powers of taxation granted in the foregoing sections, it shall be lawful for the land owners of certain portions of Texas, as hereinafter provided, to organize within that section of Texas which lies west, northwest and southwest of the following counties, viz.: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Blanco, Gillespie, Comal, Caldwell, Gonzales, De Witt, Goliad, Victoria and Calhoun, irrigation districts without regard to county lines. In making provision for the cost of construction of irrigation works within said territory it shall be lawful to create an indebtedness of not exceeding fifteen dollars per acre to rest as a charge on and be secured by a lien on the irrigable land for the use and benefit of which said irrigation works have been or may be constructed. Within the term, cost of construction, shall be included the cost of riparian rights, dam sites and reservoirs, rights of way for canal and laterals, and other appurtenant expenses of the construction of irrigation plants. In case of destruction of the works, or any part thereof, the repair or rebuilding of the same shall be construed to be within the meaning of construction. To cover the cost of construction as above defined, bonds may be issued by such irrigation districts to run in time for forty years or less, and to bear interest at the rate of not more than six per cent per annum, interest payable annually, which bonds shall be sold at not less than par. The bonds shall be liquidated by the levy and collection of a tax upon the irrigable lands within such irrigation districts susceptible of irrigation from and by the system of irrigation works proposed. Such land shall be taxed in proportion to acreage and not in proportion to its value. An annual tax shall be levied and collected on such irrigable lands sufficient to pay the interest of said bonds and to create a sinking fund sufficient to liquidate the bonds above authorized. In addition to the tax above provided for, there shall be annually levied and collected a sufficient tax from the lands actually receiving the water for irrigation of a sufficient amount to cover the ordinary cost of the maintenance of the irrigation works, the distribution of the water and appurtenant charges and the collection of said tax. This charge shall be upon a basis of the amount of water contracted for; provided, that this shall not interfere with the right of any land owner to demand his proportionate part of the water on the basis of acreage. The taxes above provided for shall, when assessed, be secured by lien on the land as now provided by the general law for the security of State taxes, and when delinquent, shall be enforced as now provided by general law for the collection of delinquent State taxes, but the lien securing the same shall be subordinate to the lien securing the payment of State, county and municipal taxes.

None of the foregoing provisions of this amendment shall ever be construed to give authority to create a lien on or tax in any manner any

lands so long as they shall belong to the State; nor after sale thereof shall any charge ever be created thereon which shall take precedence over the liens securing the balance of the purchase money due the State.

The indebtedness for the construction of irrigation works authorized under the provisions of this amendment shall be created only upon a vote of a majority of the land owners resident in the district proposed to be organized and whose lands are susceptible of irrigation from and by the system of irrigation works proposed; only qualified voters under the existing laws of Texas, being such owners of rural lands, within such districts, shall have the right to vote as aforesaid.

Any natural or artificial person having an interest in any of the irrigable lands in any such irrigation district shall have the right at any time within ninety days after the vote authorized has been declared, and not thereafter, to file a proceeding in any court having jurisdiction to test the validity of the formation of said district, the classification of the land as irrigable lands, or other details thereof. Such proceedings shall have precedence through all the courts as now provided by law in quo warranto suits.

Irrigation districts organized under the provisions of this amendment are hereby declared to be bodies corporate, and in the name of the districts they shall have the right to sue and be sued, and may acquire by purchase or condemnation proceedings as now authorized by law in the case of irrigation corporations all the property necessary for its organization, operation and existence, and may buy in under foreclosure of its taxes any property, but the property bought in at tax sales shall be held and disposed of as hereafter provided by law.

All bonds issued under the provisions of this amendment shall be passed upon and certified to by the Attorney General of the State of Texas, as now required by law in the case of county and city bonds. When approved by the Attorney General said bonds shall be registered by the Comptroller of the State, as now required by law in the case of county and city bonds, and when so registered shall be entitled to all the faith and confidence now prescribed by law in the case of county and city bonds.

To the end that this amendment may be put into immediate operation upon its adoption by the people, it is provided that until otherwise provided by law the Governor of the State, the Commissioner of the General Land Office, and the Attorney General of the State, are hereby created a board and vested with complete power and authority to make such rules and regulations as may be necessary to put into immediate practical operation this amendment to the Constitution and that may be necessary to enable irrigation districts to organize and operate under the provisions of this amendment. And to that end, until otherwise provided by law, said board shall have the power and authority in making said rules as complete as the Legislature of the State of Texas now have to enact laws. The rules, when adopted by said board, shall be filed with the Secretary of State, and when so filed shall remain in full force and effect until changed or modified by some other rule made by the said board on file in the office of the Secretary of State, or until the same are changed by general law. Said rules shall be printed under the direction of the Secretary of State, and a certified copy thereof shall be fur-

nished to any one demanding the same upon the payment of such fees as said board may prescribe.

The Governor is hereby directed to issue the necessary proclamation for submitting this amendment to the qualified voters of Texas on the first Tuesday in August, 1897, at which election all voters favoring the amendment shall have written or printed on their tickets, "For amending Article 8, of the Constitution of Texas, so as to permit the formation of irrigation districts in West Texas," and those opposed to said amendment shall have written or printed on their tickets, "Against amending Article 8, of the Constitution of Texas, so as to permit the formation of irrigation districts in West Texas."

Approved, March 3, 1897.

[NOTE.—The foregoing joint resolution passed the Senate by a two-thirds vote, yeas 23, nays 1; and having passed the House by a two-thirds vote, yeas 90, nays 6, the Senate concurred in House amendments.]

S. C. R. No. 15.] CONCURRENT RESOLUTION.

Tendering thanks of the people of Texas to the Honorable Swante Palm for donation of his library to the State University.

Whereas, The Honorable Swante Palm, a distinguished citizen of Austin, and the consular representative of His Majesty, the King of Sweden, at the Texas capital, has manifested his patriotic and generous interest in the intellectual development of the youth of the State, by making to the Texas State University, a free donation of his magnificent library, consisting of rare volumes, valuable manuscripts, and costly works of art; and,

Whereas, it is appropriate that, as an inadequate, but sincere recognition of this splendid gift, the Legislature of this State, representing the whole people, should give formal expression of the people's gratitude to the Honorable Swante Palm; therefore,

Be it resolved by the Senate of the State of Texas, the House concurring: That the people of the State of Texas, without regard to political sentiment, and each constituency speaking through its Senator, and member or members of the House of Representatives, hereby tender to the Honorable Swante Palm, their profound thanks for his splendid gift.

Resolved, that an enrolled copy of this Concurrent Resolution, signed in autograph by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and countersigned by the Governor and Secretary of State, and bearing the impress of the seal of the State, be presented to the Honorable Swante Palm, by a joint committee of two Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives.

Approved, March 4, 1897.
